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4 November 1952

ADD/TR(S)

Office of General Counsel

Benefits for Agency Personnel Injured or Killed While Using Military Aircraft

1. We are asked to advise what benefits are available in the event of an accident to TR(S) personnel (including trainees) who, as part of their duties, fly in military aircraft operated under control of CIA.
2. Such employees are covered by the Federal Employees' Compensation Act (39 Stat. 742; 5 USCA § 751). This Act grants compensation for the disability or death of an employee of the United States "resulting from a personal injury sustained while in the performance of his duty." These benefits, as well as the procedures for the making and adjudication of claims are, we assume, well known to the Office of Training. They are set out in detail in a booklet of the United States Department of Labor, Bureau of Employees' Compensation, "Regulations Governing Administration of the Federal Employees' Compensation Act of September 7, 1916 as amended relating to Civil Officers and Employees of the United States and Others," Government Printing Office, 1951.
3. The compensation provided by the above mentioned Act constitutes all the benefits for which the Government is liable under the circumstances described. The Act includes the following:

"(b) The liability of the United States or any of its instrumentalities under section 751-756, 757-791, and 793 of this title or any extension thereof with respect to the injury or death of an employee shall be exclusive, and in place, of all other liability of the United States or such instrumentality to the employee, his legal representative, spouse, dependents, next of kin, and anyone otherwise entitled to recover damages from the United States or such instrumentality, on account of such injury or death, in any direct judicial proceedings in a civil action or in admiralty, or by proceedings, whether administrative or judicial, under any other workmen's compensation law or under any Federal tort liability statute." 5 USCA § 757(b)

4. Our attention is directed by the Office of Training to the fact that injury or death resulting from flight in military aircraft is not compensable under most life insurance policies. The Government has no added or special liability to an employee or to the next of kin of a deceased employee on this account. The fact a defense of this kind may be raised by an insurance company in order to defeat a claim on a policy issued to such an employee creates no right of action against the Government. The Government's liability is limited, as has been seen, to that detailed in the Federal Employees' Compensation Act.

5. It may be appropriate to mention that membership in the War Agencies Employees Protective Association, a private insurance organization to which many CIA employees belong, affords protection at moderate cost against risks of the type referred to in the inquiry from the Office of Training. Membership is offered to overseas employees and to employees now in training for duties abroad. Complete information concerning this Association (which is underwritten by the Equitable Life Assurance Society of the United States) may be obtained from the CIA Insurance Office, Room 1020 Eye Building.

6. The Office of Training is probably aware also of the fact that the CIA Career Service Program contemplates special benefits for personnel disabled while in the employment of CIA and for dependents of such employees killed while in line of duty. This particular part of the Program, however, although it has received the approval of the Director, requires legislation to be put into effect. See "Career Service Program" Notice

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7. In conclusion, it would appear that there are no special benefits granted by law or by regulation of this Agency to compensate TR(S) personnel and trainees who may be involved in an accident while flying in military aircraft. In particular, there is no provision for compensating the family of an employee for losses which it may sustain because of invalidation of insurance in the manner described.

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